

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

AGREED ORDER

THIS MATTER is before the Court on the Consent Motion for Extension of Time and to Exceed Page Limitations filed by Plaintiff CSX Transportation, Inc. (“CSX”), to which Defendants Norfolk Southern Railway Company (“NS”), and Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”) have agreed. Upon considerations thereof, and for good cause shown, the Court GRANTS the motion and IT IS HEREBY ORDERED that CSX is permitted to file a consolidated responsive brief relating to Defendants’ *Daubert* Motions (ECF Nos. 465 and 473), not to exceed fifty (50) pages. IT IS FURTHER ORDERED that the following briefing schedule shall apply:

1. CSX shall file its response to Defendants’ *Daubert* Motions (ECF Nos. 465 and 473) on or before November 4, 2022.
2. NS and NPBL shall file their replies on or before November 14, 2022.

It is SO ORDERED this ____ day of _____, 2022.

The Honorable Robert J. Krask
United States Magistrate Judge

WE ASK FOR THIS:

CSX TRANSPORTATION, INC.

By its attorneys,

/s/ Robert W. McFarland

Robert W. McFarland (VSB No. 24021)
Benjamin L. Hatch (VSB No. 70116)
V. Kathleen Dougherty (VSB No. 77294)
Jeanne E. Noonan (VSB No. 87863)
MCGUIREWOODS LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, Virginia 23510-1655
Telephone: (757) 640-3716
Facsimile: (757) 640-3930
E-mail: rmcfarland@mcguirewoods.com
E-mail: bhatch@mcguirewoods.com
E-mail: vkdougherty@mcguirewoods.com
E-mail: jnoonan@mcguirewoods.com

J. Brent Justus (VSB No. 45525)
Ashley P. Peterson (VSB No. 87904)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3916
Telephone: (804) 775-1000
Facsimile: (804) 698-2026
E-mail: bjustus@mcguirewoods.com
E-mail: apeterson@mcguirewoods.com

**NORFOLK & PORTSMOUTH BELT
LINE RAILROAD COMPANY**

By its attorneys,

/s/

James L. Chapman IV (VSB No. 21983)
W. Ryan Snow (VSB No. 47423)
Alexander R. McDaniel (VSB No. 92398)
CRENSHAW, WARE & MARTIN, P.L.C.
150 West Main Street, Suite 1923
Norfolk, Virginia 23510
Tel. (757) 623-3000
Fax (757) 623-5735
jchapman@cwm-law.com
wrsnow@cwm-law.com
amcdaniel@cwm-law.com

**NORFOLK SOUTHERN RAILWAY
COMPANY**

By its attorneys,

/s/

Alan D. Wingfield (VSB No. 27489)
Michael E. Lacy (VSB No. 48477)
TROUTMAN PEPPER HAMILTON SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Tel. (804) 697-1200
Fax (804) 698-6061
alan.wingfield@troutman.com
michael.lacy@troutman.com

John C. Lynch (VSB No. 39267)
Kathleen M. Knudsen (VSB No. 90845)
TROUTMAN PEPPER HAMILTON SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
Tel. (757) 687-7537
Fax (757) 687-1546
john.lynch@troutman.com
kathleen.knudsen@troutman.com

Tara L. Reinhart (*admitted pro hac vice*)
Thomas R. Gentry (*admitted pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
1440 New York Ave, N.W.
Washington, D.C. 20005
Tel (202) 371-7000
tara.reinhart@skadden.com
thomas.gentry@skadden.com